

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed August 21, 2009. At the time of the Office Action, Claims 13, 15-20 and 22-26 were pending in this Application. Claims 13, 15-20 and 22-26 were rejected. Claims 13, 20, and 26 are herein amended. Claims 1-12, 14 and 21 were previously cancelled without prejudice or disclaimer. Applicants respectfully request reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 13 and 20 were rejected by the Examiner under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,941,146 issued to Robert Knauerhase et al. ("Knauerhase").

Applicants respectfully traverse. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987).

Applicants respectfully submit that *Knauerhase* does not teach all of the elements of Applicants' claims. Although Applicants believe the claim were allowable in their current form, Applicants have amended independent Claims 13, 20, and 26 in light of the Examiner's comments in the Office Action, in order to advance prosecution.

Amended independent Claim 13 recites, in part:

...the second item of identification information comprising:

a first item of network information indicating the location of the local area network,

a second item of network information indicating the type of the local area network,

a third item of network information indicating at least one *third party service provided by a third party via the local area network*, wherein the third party service comprises access to one or more applications offered at the location, and

a fourth item of network information uniquely identifying the local area network; and

based at least on the first, second, third, and fourth items of network information, establishing and permitting a connection to a local wireless network to *receive at least a portion of the third party service via the local area network*.

Knauerhase does not teach these limitations. The Examiner argues that the final two limitations of Claim 13 are independent limitations. (Office Action, page 4). Although Applicants do not agree with that interpretation, Applicants have amended the final limitation to read “*based at least on the first, second, third, and fourth items of network information*, establishing and permitting a connection...” Thus, the final two limitations of Claim 13 are now undeniably linked. Accordingly, Applicants respectfully request that the Examiner reconsider the arguments set forth in Applicants’ Request for Continued Examination dated June 8, 2009 in light of this amended language.

Further, *Knauerhase* does not teach the limitations regarding providing at least one “third party service.” The Examiner argues that *Knauerhase*’s “connectivity map” and access to it can be equated with the claimed third party service. However, the claimed “third party service” is not a service originated *by the terminal*, but rather *by another party* in the network. Applicants have amended Claim 13 to make this limitation explicit -- that at least a portion of the third party service is *provided to the terminal via the local area network*. In contrast, the portions of *Knauerhase* cited by the Examiner teach that the terminal restricts the connectivity map it is offering, which is essentially the opposite of amended Claim 13.

Further, Claim 13 explicitly recites that the third party service *comprises access to one or more applications*. *Knauerhase* “connectivity map” is not an application, but rather basic information regarding local connectivity options.

Finally, Claim 13 explicitly recites that all of the first, second, third and fourth items of network information are all *stored in the same second item of identification information*. Even assuming for the sake of argument that *Knauerhase* teaches first, second, third and fourth items of network information as the Examiner alleges (which Applicants obviously disagree), *Knauerhase* does not teach that these alleged first, second, third and fourth items of network information are *stored in the same item of identification information*.

For at least the reasons stated above, *Knauerhase* clearly does not teach all limitations of amended independent Claim 13. Therefore, Applicants respectfully request allowance of independent Claim 13, as well as all claims that depend therefrom. In addition, for similar reasons, Applicants respectfully request allowance of independent Claim 20, as well as all claims that depend therefrom.

Rejections under 35 U.S.C. §103

Dependent Claims 15-16 and 22-23 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Knauerhase*.

Dependent Claims 17-19 and 24-25 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Knauerhase* in view of U.S. Patent Application Publication No. 2003/0119481 by Henry Haverinen et al. (“*Haverinen*”).

Applicants submit that dependent Claims 15-19 and 22-25 are allowable at least because they depend from Claims 13 and 20, shown above to be allowable. Thus, Applicants respectfully request allowance of dependent Claims 15-19 and 22-25.

Independent Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Knauerhase* in view of U.S. Patent Application Publication No. 2004/0076128 by Herman Rao et al. (“*Rao*”).

In order to establish a prima facie case of obviousness, the references cited by the Examiner must disclose all claimed limitations. *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). Even if each limitation is disclosed in a combination of references, however, a claim composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l. Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). Rather, the Examiner must identify an apparent reason to combine the known elements in the fashion claimed. *Id.* “Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” *Id.*, citing *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Finally, the reason must be free of the distortion caused by hindsight bias and may not rely on ex post reasoning. *KSR*, 127 S.Ct. at 1742. In addition, evidence that such a combination was uniquely challenging or difficult tends to show that a claim was not obvious. *Leapfrog Enterprises, Inc. v. Fisher-Price, Inc. and Mattel, Inc.*, 485 F.3d 1157, 1162 (Fed. Cir. 2007), citing *KSR*, 127 S.Ct. at 1741.

Applicants submit that Claim 26 is allowable at least for the same reasons discussed above regarding independent Claims 13 and 20. In particular, *Knauerhase* fails to teach the various limitations discussed above regarding Claim 13. *Rao* also does not teach these limitations. Thus, Applicants respectfully request allowance of independent Claim 26. Applicants do not concede that the proposed combination of *Knauerhase* with *Rao* is proper.

CONCLUSION

Applicants have made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicants respectfully request reconsideration of the pending claims.

Applicants believe there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicants' attorney at 512-457-2030.

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